

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 23**

Introduced by Brashear, 4

Read first time January 9, 2003

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act;
- 2 to amend section 44-2825, Reissue Revised Statutes of
- 3 Nebraska; to change the amount recoverable under the act;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 44-2825, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   44-2825. (1) The total amount recoverable under the  
4 Nebraska Hospital-Medical Liability Act from any and all health  
5 care providers and the Excess Liability Fund for any occurrence  
6 resulting in any injury or death of a patient may not exceed (a)  
7 five hundred thousand dollars for any occurrence on or before  
8 December 31, 1984, (b) one million dollars for any occurrence after  
9 December 31, 1984, and on or before December 31, 1992, ~~and~~ (c) one  
10 million two hundred fifty thousand dollars for any occurrence after  
11 December 31, 1992, and on or before December 31, 2003, (d) one  
12 million seven hundred fifty thousand dollars for any occurrence  
13 after December 31, 2003, and on or before December 31, 2004, and  
14 (e) for any occurrence after December 31, 2004, an amount equal to  
15 the amount recoverable for an occurrence in the immediately prior  
16 calendar year adjusted by a percentage equal to the percentage  
17 change in the Consumer Price Index for All Urban Consumers as  
18 determined by the United States Department of Labor. The amount in  
19 subdivision (e) of this subsection shall be determined by the  
20 Department of Insurance each calendar year upon release of the  
21 Consumer Price Index for All Urban Consumers by the United States  
22 Department of Labor.

23                   (2) A health care provider qualified under the act shall  
24 not be liable to any patient or his or her representative who is  
25 covered by the act for an amount in excess of two hundred thousand  
26 dollars for all claims or causes of action arising from any  
27 occurrence during the period that the act is effective with  
28 reference to such patient.

1           (3) Subject to the overall limits from all sources as  
2 provided in subsection (1) of this section, any amount due from a  
3 judgment or settlement which is in excess of the total liability of  
4 all liable health care providers shall be paid from the Excess  
5 Liability Fund pursuant to sections 44-2831 to 44-2833.

6           Sec. 2. Original section 44-2825, Reissue Revised  
7 Statutes of Nebraska, is repealed.